

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHELDON CRAIG JACKSON	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA et al.	:	NO. 08-cv-4553-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

September 24, 2008

Plaintiff requests permission to proceed *in forma pauperis*. Plaintiff has brought an action under 42 U.S.C. § 1983 against the City of Philadelphia, an assistant district attorney, and two plain-clothes police officers. Plaintiff seeks compensatory damages for alleged constitutional violations that occurred during his arrest and trial. The alleged violations include an arrest that lacked probable cause, an improper plea of *nolo contendere*, an "illegal" conviction, and other deprivations of his Fifth and Fourth-Amendment rights.

The Supreme Court held in Heck v. Humphrey, 512 U.S. 477 (1994), that a convicted litigant who brings a § 1983 action must first establish that his conviction has been reversed or overturned on appeal, or questioned by the issuance of a writ of habeas corpus. Only then may such a litigant seek § 1983 damages for harm caused by actions that would render his conviction or sentence invalid. Plaintiff does not allege that his conviction has been reversed, overturned, or questioned as Heck requires.

Accordingly, I find that Plaintiff has failed to state a claim on which relief may be granted.

An order follows.

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ORDER

AND NOW, this 24th day of September 2008, IT IS ORDERED
that the above-captioned case is DISMISSED WITHOUT PREJUDICE.
The Clerk is directed to mark the case CLOSED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.